

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**PAMELA RHODES**

**PLAINTIFF**

**v.**

**CASE NO. 3:08-CV-00194 BSM**

**ARKANSAS STATE UNIVERSITY**

**DEFENDANT**

**ORDER**

Plaintiff Pamela Rhodes is pro se. On December 12, 2008, the court granted her motion and amended motion to proceed *in forma pauperis* [Doc. No. 8]. In the order, the United States Marshal for the Eastern District of Arkansas was directed to serve the summons and complaint on Arkansas State University (ASU). On January 6, 2008, a copy of the summons and complaint were delivered via certified mail to ASU's Human Resources office. The summons and complaint were signed for by a staff employee. The summons was directed to Arkansas State University, Post Office Box 1500, State University, AR 72467. This service was defective and, pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, ASU has filed a motion to dismiss [Doc. No. 10]. ASU has also filed a motion to stay this action pending resolution of the motion to dismiss [Doc. No. 15].

The court, in its discretion, quashes the service. The United States Marshal for the Eastern District of Arkansas is directed to deliver copies of the summons and the complaint to the Chief Executive Officer for Arkansas State University in accordance with Rule 4(j)(2). ASU's motion to dismiss [Doc. No. 10] is, hereby, denied. ASU's motion to stay [Doc. No.

15] is denied as moot.

IT IS SO ORDERED this 9th day of February, 2009.

  

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UNITED STATES DISTRICT JUDGE